

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 09-2255

FILED
U.S. BANKRUPTCY COURT
EST & WST DIST. OF ARK.

MAR 19 2010

By: JEAN ROLFS, CLERK
DEP. CLERK

In re: Cheryl Anne Reagan,

Debtor,

Cheryl Anne Reagan,

Appellant,

V.

Frederick S. Wetzel, III, Trustee;
1919 M Street Associates;
G. Latt Bachelor, Personal
Representative of the Estate of
Ronald E. Reagan,

Appellees.

Appeal from the United States
Bankruptcy Appellate Panel
for the Eighth Circuit.

[UNPUBLISHED]

Submitted: March 15, 2010

Filed: March 18, 2010

Before WOLLMAN, COLLOTON, and GRUENDER, Circuit Judges.

PER CURIAM.

Cheryl Anne Reagan appeals from the judgment of the Bankruptcy Appellate Panel (BAP) affirming the order of the bankruptcy court,¹ which denied her motion to dismiss the case or remove the trustee, and approved the conversion of her case from a case under Chapter 11 to a case under Chapter 7. We agree with the BAP that the bankruptcy court did not abuse its discretion in denying Reagan's motions to dismiss the case or to remove the trustee, or in finding that her case should be converted to a Chapter 7 proceeding. See In re M & S. Grading, Inc., 541 F.3d 859, 867 (8th Cir. 2008) (denial of motion to remove trustee is reviewed for abuse of discretion); In re Hedquist, 450 F.3d 801, 804 (8th Cir. 2006) (bankruptcy court's decision whether to dismiss Chapter 11 case is reviewed for abuse of discretion); In re Lumber Exch. Bldg. Ltd. P'ship, 968 F.2d 647, 648 (8th Cir. 1992) (bankruptcy court has broad discretion in deciding whether to dismiss or convert Chapter 11 case). Accordingly, we affirm. See 8th Cir. R. 47B.

As to Reagan's challenge to the bankruptcy court's order approving the terms of the sale of Federal News Service, Inc. (FNS), which is part of the bankruptcy estate, we conclude that this issue is moot. The bankruptcy court has since rescinded the sale of FNS and instructed the trustee to obtain new bids for the company. Thus, at this time there is no order of sale, and Reagan's objections to the sale price are no longer relevant. See PFS Dist. Co. v. Raduechel, 574 F.3d 580, 599-600 (8th Cir. 2009) (case is moot when it no longer presents actual, ongoing case or controversy).

Accordingly, the judgment is affirmed.

¹The Honorable Ben T. Barry, United States Bankruptcy Judge for the Eastern and Western Districts of Arkansas.